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**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Served: August 16, 2001

**Joint Application of American Airlines, Inc. and British Airways PLC
for Approval of and Antitrust Immunity for
an Alliance Agreement under 49 U.S.C. §§ 41308 and 41309
Docket OST-2001-10387 - 4
and
American Airlines, Inc. and British Airways PLC
for Blanket Code-Share Authorizations and Related Exemptions
Docket OST-2001-10388 - 2**

NOTICE PROVIDING ACCESS TO DOCUMENTS

On August 10, 2001, American Airlines, Inc., (and its affiliates TWA Airlines LLC, American Eagle Airlines, Inc., and Executive Airlines, Inc. d/b/a American Eagle) and British Airways PLC (and its affiliates British Regional Airways Limited, Brymon Airways Limited, CityFlyer Express Limited, and Deutsche BA Luftfahrtgesellschaft GmbH) filed an application for approval of and antitrust immunity for an Alliance Agreement of August 3, 2001, together with certain exhibits. Each applicant also submitted additional documents and information in connection with the application and filed a joint motion under 14 C.F.R. 302.12 (Rule 12) of our regulations requesting confidential treatment for this material. They maintain that the documents are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. The Joint Applicants ask that access to this material be limited to counsel and outside experts for interested parties.¹

On the same date, the Joint Applicants filed a joint application for blanket code-sharing authorizations and related exemptions.

As an initial matter, in order to afford interested parties prompt access to the documents for which confidentiality is requested under conditions agreed to by American Airlines and British Airways and imposed by the Department under similar recent circumstances,² we will grant immediate interim access to all documents covered by the Rule 12 Motion to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance. Moreover, we find it appropriate to grant interim access to any subsequent materials that may be filed in these cases under a Rule 12 Motion to counsel and outside experts for

¹ See Motion at 2. Answers to the Motion are due August 21, 2001. We will rule on the merits of the Rule 12 Motion by subsequent order.

² See Notices in Dockets OST-1999-6528 dated January 7, 2000, and OST-1999-5674 dated July 19, 1999.

interested parties who file appropriate affidavits with the Department in advance, unless the party filing the motion objects. Our actions here will make evidentiary materials available for use by interested parties in either of the pending cases.

We expect all affidavits to state, at a minimum, that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party; (2) the affiant will use the information only for the purpose of participating in this proceeding; and (3) the affiant will disclose such information only to other persons who have filed a valid affidavit in the above referenced dockets. Affiants and interested parties must understand and agree that any pleading or other filing that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 12 motion requesting confidential treatment. Affidavits must be filed in the above referenced dockets with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, S.W., Washington, D.C., 20590.

Affiants having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. Affiants must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents.

In the interest of administrative efficiency, we have decided that the procedural schedule for responsive pleadings to both of the captioned applications should be the same. We will announce an appropriate procedural schedule for the processing of these cases at a later date.

We shall serve this notice on all persons on the service list in both dockets.

By:

SUSAN McDERMOTT
Deputy Assistant Secretary for Aviation
and International Affairs

Date: August 16, 2001

(SEAL)

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